99TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
99-815

HUMAN SERVICES REAUTHORIZATION ACT OF 1986

SEPTEMBER 12, 1986.—Ordered to be printed

Mr. HAWKINS, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R. 4421]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4421) to authorize appropriations for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Human Services Reauthorization Act of 1986".

TITLE I—THE HEAD START PROGRAM

SEC. 101. REAUTHORIZATION.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 639. There are authorized to be appropriated for carrying out the provisions of this subchapter $1,198,000,000 for fiscal year 1987, $1,263,000,000 for fiscal year 1988, $1,332,000,000 for fiscal year 1989, and $1,405,000,000 for fiscal year 1990.".

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SEC. 102. ALLOTMENT OF FUNDS FOR INDIAN AND MIGRANT HEAD START PROGRAMS.

Subparagraph (A) of section 640(a)(2) of the Head Start Act (42 U.S.C. 9835(a)(2)(A)) is amended to read as follows:

> *"(A) Indian and migrant Head Start programs and services for handicapped children, except that there shall be made available for use by Indian and migrant Head Start programs, on a nationwide basis, no less funds for fiscal year 1987 and each subsequent fiscal year than were obligated for use by Indian and migrant Head Start programs for fiscal year 1985;".*

SEC. 103. COORDINATION.

Section 642(c) of the Head Start Act (42 U.S.C. 9837(c)) is amended by inserting before "programs" the following: "State and local".

SEC. 104. PRESERVATION OF INCOME CALCULATION METHOD.

Section 645(a)(2) of the Head Start Act (42 U.S.C. 9840(a)(2)) is amended by striking out "1986" and inserting in lieu thereof "1990".

TITLE II—FOLLOW THROUGH PROGRAM

SEC. 201. FOLLOW THROUGH.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsection (a) of section 663 of the Follow Through Act (42 U.S.C. 9862(a)) is amended to read as follows:

"(a) There are authorized to be appropriated for carrying out the purposes of this subchapter $7,500,000 for fiscal year 1987, $7,800,000 for fiscal year 1988, $8,112,000 for fiscal year 1989, and $8,436,000 for fiscal year 1990.".

(b) REPEALER.—Section 668 of the Follow Through Act (42 U.S.C. 9867) is amended—

> *(1) by striking out subsection (b); and*
>
> *(2) by redesignating subsection (c) as subsection (b).*

(c) TECHNICAL AMENDMENT.—Section 670 of the Follow Through Act (42 U.S.C. 9861 note) is amended by striking out "1986" and inserting in lieu thereof "1990".

TITLE III—DEPENDENT CARE STATE GRANT PROGRAM

SEC. 301. REAUTHORIZATION.

Section 670A of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 670A. For the purpose of making allotments to States to carry out the activities described in section 670D, there is authorized to be appropriated $20,000,000 for each of the fiscal years 1987, 1988, 1989, and 1990.".

SEC. 302. AMENDMENTS ON DEPENDENT CARE SERVICES INFORMATION; LICENSING.

(a) DEPENDENT CARE SERVICES.—Subsection (a) of section 670D of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9874) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking out "shall" in the second sentence and inserting in lieu thereof "may";

(3) by redesignating clauses (1), (2), (3), (4), (5), (6), and (7) in the second sentence as clauses (A), (B), (C), (D), (E), (F), and (G), respectively; and

(4) by striking out the third sentence and inserting in lieu thereof the following:

"(2) The State, with respect to the uses of funds described in paragraph (1) of this subsection shall—

"(A) provide assurances that no information will be included with respect to any dependent care services which are not provided in compliance with the laws of the State and localities in which such services are provided; and

"(B) provide assurances that the information provided will be the latest information available and will be kept up to date.".

(b) SCHOOL-AGE CHILD CARE SERVICES.—(1) Section 670D(b)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9874(b)(1)) is amended by striking out "where school facilities are not available".

(2) Section 670D(b)(2)(E) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9874(b)(2)(E)) is amended by inserting before "licensing laws" the following: "child care".

SEC. 303. SCHOOL-AGE CHILD DEFINITION.

Section 670G(7) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9877(7)) is amended by inserting before the semicolon a comma and the following: "except that in any State which by State law children at an earlier age are provided free public education, the age provided in State law shall be substituted for age five".

SEC. 304. SHORT TITLE.

Subchapter D of chapter 8 of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871–9877) is amended by adding at the end thereof the following new section:

"SHORT TITLE

"SEC. 670H. This subchapter may be cited as the 'State Dependent Care Development Grants Act'.".

TITLE IV—COMMUNITY SERVICES BLOCK GRANT PROGRAM

SEC. 401. GENERAL AUTHORIZATION OF APPROPRIATIONS.

Subsection (b) of section 672 of the Community Services Block Grant Act (42 U.S.C. 9901) is amended to read as follows:

"(b) There is authorized to be appropriated $390,000,000 for fiscal year 1987, $409,500,000 for fiscal year 1988, $430,000,000 for fiscal

year 1989, and $451,500,000 for fiscal year 1990, to carry out the provisions of this subtitle.".

SEC. 402. DEFINITION OF ELIGIBLE ENTITY.

The first sentence of section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)) is amended by inserting after "1981" a comma and the following: "or which came into existence during fiscal year 1982 as a direct successor in interest to such a community action agency or community action program and meets all the requirements under section 675(c)(3) of this Act with respect to the composition of the board".

SEC. 403. REQUIREMENTS.

(a) TERMINATION PROCEDURES.—(1) Section 675(c)(11) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(11)) is amended by inserting "the procedures and" after "subject to".

(2) Section 676A of the Community Services Block Grant Act (42 U.S.C. 9905a) is amended—

(A) by redesignating the section as subsection (b); and

(B) by inserting before the redesignated subsection (b) the following:

"SEC. 676A. (a) Whenever a State violates the assurances contained in section 675(c)(11) and terminates the funding of a community action agency or migrant and seasonal farmworker organization prior to the completion of the State's hearing and the Secretary's review as required in section 679 of this Act, the Secretary shall assume responsibility for providing financial assistance to the community action agency or migrant and seasonal farmworker organization affected. The allotment for the State shall be reduced by an amount equal to the funds provided under this section by the Secretary to such agency or organization.".

(3) Section 676A of the Community Services Block Grant Act (42 U.S.C. 9905a), as amended by this subsection, is amended by adding at the end thereof the following:

"(c) The Secretary shall conduct the review under subsection (b) through the Office of Community Services, which shall promptly conduct such review and issue a written determination together with the reasons of the Secretary therefor.".

(4) The heading of section 676A of the Community Services Block Grant Act (42 U.S.C. 9905a) is amended to read as follows:

"PROCEDURES FOR A REVIEW OF TERMINATION OF FUNDING"

(b) REPEAL OF EXECUTED PROVISION.—The last sentence of section 675(c) of the Community Services Block Grant Act (42 U.S.C. 9904(c)) is repealed.

SEC. 404. FISCAL EVALUATIONS.

(a) GENERAL RULE.—Section 679(b)(1) of the Community Services Block Grant Act (42 U.S.C. 9908(b)(1)) is amended—

(1) by inserting "evaluations and" after "fiscal year";

(2) by adding before the period at the end thereof a comma and the following: "and especially with respect to compliance with subsections (a) and (b) of section 675, and clauses (1) through (11) of subsection (c) of such section"; and

(3) by adding at the end thereof the following:

"Each such evaluation shall include identifying the impact that assistance furnished under this subtitle has on children, pregnant adolescents, homeless families, and the elderly poor. A report of the evaluation, together with recommendations of improvements designed to enhance the benefit and impact to people in need, will be sent to each State evaluated. Upon receiving the report the State will then submit a plan of action in response to the recommendation contained in the report. The results of the evaluation shall be submitted annually to the Chairman of the Committee on Education and Labor of House of Representatives and the Chairman of the Committee of Labor and Human Resources of the Senate.".

(b) CONFORMING AMENDMENT.—Subsection (i) of section 675 of the Community Services Block Grant Act (42 U.S.C. 9904(i)) is repealed.

SEC. 405. DISCRETIONARY AUTHORITY.

(a) GENERAL RULE.—(1) The matter preceding clause (1) of section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a)) is amended—

(A) by striking out "is authorized, either directly or through" and inserting in lieu thereof "is authorized to make"; and

(B) by inserting "to enter into" before "contracts".

(2) Section 681(a)(1) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(1)) is amended by inserting before the semicolon a comma and the following: "including national conferences, newsletters, and collection and dissemination of data about programs and projects assisted under this subtitle".

(3) Subclause (A) of section 681(a)(2) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(2)(A)) is amended to read as follows:

> *"(A) special programs of assistance, awarded on a competitive basis, to private, locally initiated, nonprofit community development corporations, (or affiliates of such corporations) governed by a board consisting of residents of the community and business and civic leaders, which sponsor enterprises providing employment and business development opportunities for low-income residents of the community designed to increase business and employment opportunities in the community;".*

(4) Section 681(a)(2)(D) of the Community Services Block Grant Act (42 U.S.C. 9910(a)(2)(D)) is amended by inserting before the semicolon the following: "(in selecting entities to carry out such programs, the Secretary shall give priority to private nonprofit organizations that before the date of the enactment of the Human Services Reauthorization Act of 1986 carried out such programs under this subparagraph)".

(b) REPORTS ON PROJECTS.—Section 681 of the Community Services Block Grant Act (42 U.S.C. 9910) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b)(1) The final reports submitted by recipients of assistance under this section on projects completed with such assistance shall be summarized and reported by the Secretary annually to the Chairman of the Committee on Education and Labor of the House of Representatives and the Chairman of the Committee on Labor and

Human Resources of the Senate. The report shall contain a list of recipients who have received assistance under this section outside of the competitive process.

"(2) The Secretary shall, at the end of each fiscal year, prepare and distribute a catalog listing all the projects assisted under clause (A) of subsection (a)(2) in such fiscal year. The catalog shall include—

"(A) a description of each project;

"(B) an identification of the agency receiving the award, including the name and address of the principal investigator;

"(C) a description of the project objectives; and

"(D) a statement of the accomplishments of the project.".

(c) CONFORMING AMENDMENTS.—(1) Section 674(a)(1)(B) of the Community Services Block Grant Act (42 U.S.C. 9903(a)(1)(B)) is amended by striking out "section 681(b)" and inserting in lieu thereof "section 681(c)".

(2) Section 680(a) of the Community Services Block Grant Act (42 U.S.C. 9909(a)) is amended by striking out "section 681(b)" and inserting in lieu thereof "section 681(c)".

(3) Section 614 of the Community Economic Development Act of 1981 (42 U.S.C. 9803) is amended by striking out "section 681(b)" and inserting in lieu thereof "section 681(c)".

SEC. 406. AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY FOOD AND NUTRITION.

Section 681A of the Community Services Block Grant Act (42 U.S.C. 9910(a)) is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections:

"(b)(1) From 60 percent of the amount appropriated for a fiscal year to carry out this section, the Secretary shall allot for grants under subsection (a) to eligible agencies for statewide programs in each State an amount which bears the same ratio to 60 percent of such appropriation as the low-income and unemployed populations of such State bear to the low-income and unemployed populations of all the States.

"(2) Forty percent of the amount appropriated in a fiscal year to carry out this section shall be available for grants under subsection (a) to be awarded on a competitive basis to eligible agencies for local and statewide programs. In any fiscal year no agency may receive funds awarded in accordance with this paragraph in excess of $50,000.

"(c) There is authorized to be appropriated $3,000,000 for each of the fiscal years 1987, 1988, 1989, and 1990 to carry out this section.".

SEC. 407. INTEREST RATES PAYABLE ON CERTAIN RURAL DEVELOPMENT LOANS; ASSIGNMENT OF LOAN CONTRACTS.

(a) MODIFICATION OF INTEREST RATES.—Notwithstanding any other provision of law—

(1) any outstanding loan made after December 31, 1982, by the Secretary of Health and Human Services; or

(2) any loan made after the date of the enactment of this Act;

with monies from the Rural Development Loan Fund established by section 623(c)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812(c)(1)) or with funds available under section 681(a) of

the Community Services Block Grant Act (42 U.S.C. (9910(a)) to an intermediary borrower shall bear interest at a fixed rate equal to the rate of interest that was in effect on the date of issuance for loans made in 1980 with such monies or such funds if the weighted average rate of interest for all loans made after December 31, 1982, by such intermediary borrower with such monies or such funds does not exceed the sum of 6 percent and the rate of interest payable under this subsection by such intermediary borrower.

(b) ASSIGNMENT OF CERTAIN LOAN CONTRACTS.—Any contract for a loan made during the period beginning on December 31, 1982, and ending on the date of the enactment of this Act with—

(1) monies from the Rural Development Loan Fund established by section 623(c)(1) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9812(c)(1)); or

(2) funds available under section 681(a) of the Community Services Block Grant Act (42 U.S.C. 9910(a));

to an intermediary borrower that is a county government may be assigned by such borrower to an entity to which such loan could have been made for the purpose for which such contract was made. Any entity to which such contract is so assigned shall be substituted as a party to such contract and shall be obligated to carry out such contract and the purpose for which such contract was made.

(c) TECHNICAL AMENDMENT.—Section 1323(b)(2) of the Food Security Act of 1985 (7 U.S.C. 1631(b)(2)) is amended—

(1) by striking out "authorized under" and inserting in lieu thereof "in, appropriated to, or repaid to";

(2) in subparagraph (A) by striking out "and" at the end thereof;

(3) in subparagraph (B) by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new subparagraph:

"(C) notwithstanding paragraph (1), all funds other than funds to which subparagraph (A) applies shall be used by the Secretary to make loans—

"(i) to the entities;

"(ii) for the purposes; and

"(iii) subject to the terms and conditions;

specified in the first, second, and last sentences of section 623(a) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(a)). For purposes of this subparagraph, any reference in such sentences to the Secretary shall be deemed to be a reference to the Secretary of Agriculture.".

SEC. 408. DEMONSTRATION PARTNERSHIP AGREEMENTS ADDRESSING THE NEEDS OF THE POOR.

(a) GENERAL AUTHORITY.—(1) In order to provide for the self-sufficiency of the Nation's poor, the Secretary may make grants from funds appropriated under subsection (e) to eligible entities for the development and implementation of new and innovative approaches to deal with particularly critical needs or problems of the poor which are common to a number of communities. Grants may be made only with respect to applications which—

(A) involve activities which can be incorporated into or be closely coordinated with eligible entities' ongoing programs;

(B) involve significant new combinations of resources or new and innovative approaches involving partnership agreements; or

(C) are structured in a way that will, within the limits of the type of assistance or activities contemplated, most fully and effectively promote the purposes of the Community Services Block Grant Act.

(2) No grant may be made under this section unless an application is submitted to the Secretary at such time, in such manner, and containing or accompanied by such information, as the Secretary may require.

(b) FEDERAL SHARE; LIMITATIONS.—(1) Grants awarded pursuant to this section shall be used for new programs and shall not exceed 50 per centum of the cost of such new programs.

(2) Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, or services.

(3) Not more than one grant may be made to any eligible entity, and no grant may exceed $250,000.

(4) No application may be approved for assistance under this section unless the Secretary is satisfied that—

(A) the activities to be carried out under the application will be in addition to, and not in substitution for, activities previously carried on without Federal assistance; and

(B) funds or other resources devoted to programs designed to meet the needs of the poor within the community, area, or State will not be diminished in order to provide the matching contributions required under this section.

(c) DISSEMINATION OF RESULTS.—As soon as practicable, but no later than 90 days after the expiration of the fiscal year for which any grant is awarded under this section, the Secretary shall prepare and make available upon request to each State and eligible entity descriptions of the demonstration programs assisted under this section, and any relevant information developed and results achieved, so as to provide models for innovative programs to other eligible entities.

(d) DEFINITIONS.—As used in this section—

(1) the term "eligible entity" has the same meaning given such term by section 673(1) of the Community Services Block Grant Act (42 U.S.C. 9902(1)); and

(2) the term "Secretary" means the Secretary of Health and Human Services.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 1987, 1988, and 1989, to carry out this section.

TITLE V—LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

SEC. 501. REAUTHORIZATION.

Subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out the provisions of this title $2,050,000,000 for fiscal year 1987, $2,132,000,000 for fiscal year 1988, $2,218,000,000 for fiscal year 1989, and $2,307,000,000 for fiscal year 1990.".

SEC. 502. ADMINISTRATION OF ENERGY CRISIS INTERVENTION PROGRAM.

(a) ENERGY CRISIS INTERVENTION.—Section 2604(c) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(c)) is amended—

(1) in the last sentence—

(A) by striking out "and the capacity" and inserting in lieu thereof "the capacity"; and

(B) by inserting ", and the ability to carry out the program in local communities" before the period at the end thereof; and

(2) by adding at the end thereof the following:

"The program for which funds are reserved under this subsection shall—

"(1) not later than 48 hours after a household applies for energy crisis benefits, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits;

"(2) not later than 18 hours after a household applies for crisis benefits, provide some form of assistance that will resolve the energy crisis if such household is eligible to receive such benefits and is in a life-threatening situation; and

"(3) require each entity that administers such program—

"(A) to accept applications for energy crisis benefits at sites that are geographically accessible to all households in the area to be served by such entity; and

"(B) to provide to low-income individuals who are physically infirm the means—

"(i) to submit applications for energy crisis benefits without leaving their residences; or

"(ii) to travel to the sites at which such application are accepted by such entity.

The preceding sentence shall not apply to a program in a geographical area affected by a natural disaster in the United States designated by the Secretary, or by a major disaster or emergency designated by the President under the Disaster Relief Act of 1974, for so long as such designation remains in effect, if the Secretary determines that such disaster or such emergency makes compliance with such sentence impracticable.".

(b) ISSUANCE OF RULES.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Serv-

ices shall issue rules to carry out the amendments made by subsection (a).

SEC. 503. CALCULATION OF GRANTS TO INDIAN TRIBES.

Section 2604(d)(2) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(d)(2)) is amended—

(1) by striking out "in such State with respect to which a determination under this subsection is made" and inserting in lieu thereof "and residing within the State on the reservation of the tribes or on trust lands adjacent to such reservation";

(2) by inserting before the period at the end of such section a comma and the following: "or such greater amount as the Indian tribe and the State may agree upon"; and

(3) by adding at the end thereof the following: "In cases where a tribe has no reservation, the Secretary, in consultation with the tribe and the State, shall define the number of Indian households for the determination under this paragraph.".

SEC. 504. APPLICATIONS AND REQUIREMENTS.

(a) STATE PROCEDURES.—Section 2605(b)(5) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(5)) is amended by striking out "in a manner consistent with the efficient and timely payment of benefits" and inserting in lieu thereof 'in a timely manner".

(b) CONFORMING AMENDMENTS.—Section 2605(b) of the Low-Income Home Energy Act of 1981 (42 U.S.C. 8624(b)) is amended—

(1) by striking out clauses (14), (15), and (16);

(2) by inserting "and" at the end of clause (13); and

(3) by redesignating clause (17) as clause (14).

(c) CONTENTS OF STATE PLAN.—Section 2605(c)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(c)(1)) is amended by striking out clauses (A) through (E) and inserting in lieu thereof the following:

"(A) describes the eligibility requirements to be used by the State for each type of assistance to be provided under this title, including criteria for designating an emergency under section 2604(c);

"(B) describes the benefit levels to be used by the States for each type of assistance including assistance to be provided for emergency crisis intervention and for weatherization and other energy-related home repair;

"(C) contains estimates of the amount of funds the State will use for each of the programs under such plan and describes the alternative use of funds reserved under section 2604(c) in the event any portion of the amount so reserved is not expended for emergencies;

"(D) describes weatherization and other energy-related home repair the State will provide under subsection (k);

"(E) describes how the State will carry out assurances in clauses (3), (4), (5), (6), (7), (8), (10), (12), and (13) of subsection (b); and

"(F) contains any other information determined by the Secretary to be appropriate for purposes of this title.".

(d) MODEL STATE PLAN FORMAT.—Section 2605(c) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(c)) is amended by adding at the end thereof the following new paragraph:

"(3) Not later than April 1 of each fiscal year the Secretary shall make available to the States a model State plan format that may be used, at the option of each State, to prepare the plan required under paragraph (1) for the next fiscal year.".

(e) CONSISTENT TREATMENT OF ENERGY ASSISTANCE PAYMENTS.—Section 2605(f) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(f)) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by striking out "provided to" and inserting in lieu thereof "provided directly to, or indirectly for the benefit of,"; and

(3) by adding at the end thereof the following:

"(2) For purposes of paragraph (1) of this subsection and for purposes of determining any excess shelter expense deduction under section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e))—

"(A) the full amount of such payments or allowances shall be deemed to be expended by such household for heating or cooling expenses, without regard to whether such payments or allowances are provided directly to, or indirectly for the benefit of, such household; and

"(B) no distinction may be made among households on the basis of whether such payments or allowances are provided directly to, or indirectly for the benefit of, any of such households.".

SEC. 505. GRANTS AND CONTRACTS FOR TECHNICAL ASSISTANCE AND TRAINING.

(a) AUTHORITY TO MAKE GRANTS AND CONTRACTS.—The Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.) is amended by inserting after section 2609 the following new section:

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 2609A. (a) Of the amounts appropriated under section 2602(b) for any fiscal year, not more than $500,000 of such amounts may be reserved by the Secretary—

"(1) to make grants to State and public agencies and private nonprofit organizations; or

"(2) to enter into contracts or jointly financed cooperative arrangements with States and public agencies and private nonprofit organizations;

to provide for training and technical assistance related to the purposes of this subtitle, including collection and dissemination of information about programs and projects assisted under this subtitle, and ongoing matters of regional or national significance that the Secretary finds would assist in the more effective provision of services under this title.

"(b) No provision of this section shall be construed to prevent the Secretary from making a grant pursuant to subsection (a) to one or more private nonprofit organizations that apply jointly with a business concern to receive such grant.".

(b) TECHNICAL AMENDMENTS.—Section 2604(a)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a)(1)) is amended—

(1) in subparagraph (A) by inserting "after reserving any amount permitted to be reserved under section 2609A and" after "remaining"; and

(2) in subparagraph (B) by inserting "after reserving any amount permitted to be reserved under section 2609A" after "therefor".

SEC. 506. CONTENT OF REPORTS.

Section 2610(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8629(b)) is amended by inserting before the period at the end thereof the following:

", and a report that describes for the prior fiscal year—

"(1) the manner in which States carry out the requirements of clauses (2), (5), (8), and (15) of section 2605(b); and

"(2) the impact of each State's program on recipient and eligible households".

TITLE VI—CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP ASSISTANCE PROGRAM

SEC. 601. SHORT TITLE.

This title may be cited as the "Child Development Associate Scholarship Assistance Act of 1985".

SEC. 602. GRANTS AUTHORIZED.

The Secretary is authorized to make a grant for any fiscal year to any State receiving a grant under title XX of the Social Security Act for such fiscal year to enable such State to award scholarships to eligible individuals within the State who are candidates for the Child Development Associate credential.

SEC. 603. APPLICATIONS.

(a) APPLICATION REQUIRED.—A State desiring to participate in the grant program established by this title shall submit an application to the Secretary in such form as the Secretary may require.

(b) CONTENTS OF APPLICATIONS.—A State's application shall contain appropriate assurances that—

(1) scholarship assistance made available with funds provided under this title will be awarded—

(A) only to eligible individuals;

(B) on the basis of the financial need of such individuals; and

(C) in amounts sufficient to cover the cost of application, assessment, and credentialling for the Child Development Associate credential for such individuals; and

(2) not more than 10 percent of the funds received by the State under this title will be used for the costs of administering the program established in such State to award such assistance.

(c) EQUITABLE DISTRIBUTION.—In making grants under this title, the Secretary shall—

(1) distribute such grants equitably among States; and

(2) ensure that the needs of rural and urban areas are appropriately addressed.

SEC. 604. DEFINITIONS.

For purposes of this title—

(1) the term "eligible individual" means a candidate for the Child Development Associate credential whose income does not exceed the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), by more than 50 percent;

(2) the term "Secretary" means the Secretary of Health and Human Services; and

(3) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, and Palau.

SEC. 605. ADMINISTRATIVE PROVISIONS.

(a) REPORTING.—Each State receiving grants under this title shall annually submit to the Secretary information on the number of eligible individuals assisted under the grant program, and their positions and salaries before and after receiving the Child Development Associate credential.

(b) PAYMENTS.—Payments pursuant to grants made under this title may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,500,000 for each of the fiscal years 1987, 1988, 1989, and 1990 for carrying out this title.

TITLE VII—EXCELLENCE IN EDUCATION

SEC. 701. TECHNICAL AMENDMENTS.

Section 604(b) of the Excellence in Education Act (20 U.S.C. 4033(b)) is amended—

(1) in paragraph (2) by inserting after "fiscal year" the second place it appears the following: "in which the appropriations for that year exceed $15,000,000"; and

(2) in paragraph (3) by inserting after "fiscal year" the second place it appears the following: "in which the appropriations for that year exceed $15,000,000".

TITLE VIII—REPORT REGARDING HOURS OF EMPLOYMENT OF BAT BOYS AND BAT GIRLS

SEC. 801. REPORT TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Labor shall—

(1) determine whether a change in the permissible hours of employment for batboys and batgirls would be detrimental to their well-being and whether any such change should be proposed to the Congress; and

(2) submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives describing the results of such determination.

TITLE IX—BEGINNING READING INSTRUCTION STUDY AND LISTING REQUIRED

SEC. 901. STUDY AND LISTING REQUIRED.

(a) STUDY.--The Secretary of Education (hereinafter in this title referred to as the "Secretary") shall conduct a study in order to compile a complete list, by name, of beginning reading instruction programs and methods, including phonics, indicating—

(1) the average cost per pupil of such programs and methods; and

(2) whether such programs and methods do or do not present well-designed instruction as recommended in the report of the Commission on Reading entitled "Becoming a Nation of Readers".

The listing required by this section shall be written in such a way as to be understandable to the general public.

(b) PUBLIC COMMENT.—In carrying out the study required by this section, the Secretary shall solicit public comments on beginning reading programs and methods.

(c) REPORTS.—The Secretary shall prepare and submit to the Congress such interim reports of the study and listing as the Secretary deems advisable. The Secretary shall prepare and submit a final report containing the listing required by this subsection to the Congress not later than 12 months after the date of the enactment of this Act. The Secretary shall publicize and disseminate nationally the listing required by this section to the education community, parents, and other interested persons.

TITLE X—EFFECTIVE DATES AND RELATED MATTERS

SEC. 1001. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b) and (c), this Act and the amendments made by this Act shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever occurs later.

(b) EFFECTIVE DATE FOR ENERGY CRISIS INTERVENTION AMENDMENTS.—The amendments made by section 502(a) shall take effect on December 1, 1986, or 60 days after the date of the enactment of this Act, whichever occurs later.

(c) APPLICATION OF CERTAIN OTHER AMENDMENTS RELATING TO ENERGY ASSISTANCE.—The amendments made by subsections (a), (b), (c), and (d) of section 504 shall not apply with respect to any fiscal

year beginning in or before the 60-day period ending on the effective date of this Act.

And the Senate agree to the same.

For consideration of the bill and all provisions (except title X) of the Senate amendment and modifications:

AUGUSTUS F. HAWKINS,
DALE E. KILDEE,
AUSTIN J. MURPHY,
MAJOR R. OWENS,
CARL C. PERKINS,
TERRY L. BRUCE,
DENNIS E. ECKART,
JIM J. JEFFORDS.

From the Committee on Energy and Commerce, for consideration of title III of the Senate amendment and modifications:

JOHN D. DINGELL,
ED MARKEY,
PHIL SHARP.

From the Committee on Education and Labor, for consideration of title X of the Senate amendment and modifications:

AUGUSTUS F. HAWKINS,
MARIO BIAGGI,
PAT WILLIAMS,
CHARLES A. HAYES,
DENNIS E. ECKART,
MATTHEW G. MARTINEZ,
JIM JEFFORDS,
BILL GOODLING,
TOM COLEMAN,
STEVE BARTLETT.

From the Committee on the Judiciary:

PETER W. RODINO,
DON EDWARDS,
JOHN CONYERS,
HAMILTON FISH,
F. JAMES SENSENBRENNER, Jr.

From the Committee on Energy, for consideration of section 1006 of the Senate amendment and modifications:

JOHN D. DINGELL,
HENRY A. WAXMAN,
Managers on the Part of the House.

ORRIN G. HATCH,
PAULA HAWKINS,
DAN QUAYLE,
ROBERT STAFFORD,
EDWARD M. KENNEDY,
CHRISTOPHER DODD,
JOHN F. KERRY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4421) to authorize appropriations for fiscal years 1987, 1988, 1989, and 1990 to carry out the Head Start, Follow Through, dependent care, community services block grant, and community food and nutrition programs, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment to the text of the bill struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

HUMAN SERVICES REAUTHORIZATION ACT

Citation

House bill—The House bill cites the Act as the Community Services Programs Amendments of 1986.

Senate amendment—The Senate amendment cites the Act as the Human Services Reauthorization Act of 1986.

Conference agreement—The House recedes.

HEAD START

Authorization

House bill—The House bill provides for authorization for Head Start at such sums as necessary for FY '87, FY '88, FY '89 and FY '90.

Senate amendment—The Senate amendment authorizes appropriations.

Fiscal year:	
1987	$1,130,542,000
1988	1,175,764,000
1989	1,222,795,000
1990	1,271,717,000

Conference agreement—The Senate recedes with an amendment to authorize the program at the following levels:

Fiscal year:	
1987	$1,198,000,000
1988	1,263,000,000
1989	1,332,000,000
1990	1,405,000,000

The Conferees direct the Secretary of Health and Human Services to distribute any appropriated funds for this program in a prompt manner. The conferees are concerned that delays in the receipt of funding awards can result in a reduction in program staff, an interruption of or reduction in vital education, health and social services and in certain instances, in additional and unnecessary costs being incurred by Head Start grantees.

Indian and migrant

House bill—The House bill provides that no less funds can be provided for Indian and Migrant programs for fiscal year 1987 and each subsequent fiscal year than were obligated for use in fiscal year 1985.

Senate amendment—The Senate amendment specifies that national funding for the Indian and Migrant Head Start programs is 7.1% of the amount appropriated for the total Head Start program.

Conference agreement—The Senate recedes.

Training and technical assistance

House bill—The House bill has no comparable provision

Senate amendment—The Senate amendment provides that in years when the Head Start appropriations are less than the FY 84 appropriation, funding for training and technical assistance shall be 3% of the appropriation.

Conference agreement—The Senate recedes.

Coordination

House bill—The House bill does not have a comparable provision

Senate amendment—The Senate amendment specifies that the type of programs Head Start agencies are to coordinate with are "state and local".

Conference agreement—The House recedes.

Income calculation

House bill—The House bill continues the current method of counting income for purposes of determining eligibility for Head Start through fiscal year 1990.

Senate amendment—The Senate amendment continues the prohibition through 1990, of any change in the method the Secretary uses to calculate income used to prescribe eligibility for the participation of persons in the Head Start program if the change would result in any reduction or exclusion of persons in the program.

Conference agreement—The Senate recedes. The Conferees note under current law at least 10% of all of the enrollment opportunities in the Head Start program must be available for handicapped children to meet their very special needs. Handicapped children as defined by section 602(a)(1) of the Education of the Handicapped Act includes children who are mentally retarded, hard of hearing, deaf, speech or language impaired, visually handicapped, seriously

emotionally disturbed, orthopedically impaired, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services. Based upon the strong commitment displayed by Congress over the years to serve handicapped pre-schoolers through the Head Start program, the Conferees reiterate their support of the definition of handicapped children as defined in the Education of the Handicapped Act, the Conferees expect that the individuals who fall within this definition will continue to be served within the Head Start program. The Conferees further intend that any proposed change in the handicapped eligibility criteria meet those standards.

FOLLOW THROUGH

House bill—The House bill extends the Follow Through program through 1990 at such sums as necessary.

Senate amendment—The Senate amendment does not have a comparable provision.

Conference agreement—The Senate recedes with an amendment to delete Section 668(b) of the Act and to authorize the program at the following levels:

Fiscal year:	
1987	$7,500,000
1988	7,800,000
1989	8,112,000
1990	8,436,000

Section 668(b) of the Follow Through Act provides that financial assistance under this subchapter shall not be suspended for failure to comply with applicable terms and conditions, except in emergency situations, nor shall an application for refunding be denied, unless the recipient agency has been given reasonable notice and opportunity to show cause why such action should not be taken. In making this change, it is the conferees intent to emphasize that this is a competitive grant program and that the grant award process can consider applications other than existing grantees. However, current or past receipt of grants does not in or of itself preclude or give preference for consideration of future funding.

DEPENDENT CARE

Title

House bill—The House bill cites the Subchapter as "Dependent Care Programs Act".

Senate amendment—The Senate amendment cites the Act as the "State Dependent Care Development Grants Act".

Conference agreement—The House recedes.

Dependent care authorization

House bill—The House bill authorizes such sums as may be necessary for fiscal years 1987, 1988, 1989, and 1990.

Senate amendment—The Senate amendment reauthorizes the Dependent Care programs at

Fiscal year:	
1987	$20,000,000
1988	20,000,000
1989	20,000,000

Conference agreement—The Senate recedes with an amendment to authorize the program at the following levels:

Fiscal years:	
1987	$20,000,000
1988	20,000,000
1989	20,000,000
1990	20,000,000

The conferees direct the Secretary of Health and Human Services to distribute any appropriated funds for this program in a prompt manner.

Licensing

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment provides that the specified types of information on dependent care services to be made available by resource and referral systems are optional rather than mandatory. It eliminates the requirement that before and after school childcare programs be provided at community centers only where school facilities are not available and clarifies that the licensing laws and regulations with which applicants must comply are those relating to "child care".

Conference agreement—The House recedes. It is the conferees intent that where school facilities are utilized for childcare, programs physically conducted in schools may calculate space which they have access to and regularly use for school age child care programs after 3 p.m.

Child care definitions

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment revises the definition of school-aged children to include children under age five, the younger age to be consistent with the age at which each state provides free public education to children.

Conference agreement—The House recedes.

COMMUNITY SERVICES BLOCK GRANT

CSBG authorization

House bill—The House bill authorizes $390,000,000 for fiscal year 1987 and such sums as may be necessary for fiscal years 1988, 1989 and 1990.

Senate amendment—The Senate amendment authorizes the CSBG program at

Fiscal year:	
1987	$381,409,000
1988	392,851,000
1989	404,636,000
1990	416,775,000

Conference Agreement—The Senate recedes with an amendment to authorize the program at the following levels:

Fiscal year:	
1987	$390,000,000
1988	409,500,000
1989	430,000,000

1990 451,500,000

Eligible entity

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment expands the definition of eligible entity to include programs which came into existence in FY 1982 as a direct successor to a community action agency and meets all of the board composition requirements of section 675(c)(3).

Conference agreement—The House recedes.

Transfer authority

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment requires that the allowed transfer of up to 5% of a state's allotment to specified programs or to provide assistance for state-awarded discretionary grants is to increase funds otherwise available to eligible entities under the Community Services Block Grant program. It prohibits the transfer of funds that would diminish the state's responsibility to pass through 90% of funds to eligible entities.

Conference Agreement—The Senate recedes.

Termination procedure

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment establishes procedures which the Secretary must follow in reviewing State proposed termination of funding to CAA's or migrant and seasonal farmworker organizations. The procedures include a prompt review and written determination by the OCS. The Senate bill also requires the Secretary to assume responsibility for funding the affected eligible entity if a state terminates funding prior to the completion of the required state hearing and Secretary's review.

Conference agreement—The House recedes with an amendment. The Conferees intend that in situations where the Secretary provides continuing funding to an eligible entity, the amount of funding provided will be subtracted from the state allotment.

Fiscal evaluations

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment combines the required investigation and evaluation of compliance requirements in the Community Services Block Grant program. It states that such compliance evaluations are to be made especially with regard to purposes of the Act to ameliorate the causes of poverty in communities, State public hearings on the proposed use and distribution of funds, and all the eleven agreements required of States in their annual applications for their allotments of funds. Such evaluations are to include the impact of funds under this program on children, homeless families, and the elderly poor. The Secretary will send recommendations of improvements on how to enhance the benefit and impact to people in need to each State and the State will then submit a plan of action in response to the recommendation con-

tained in the report. Evaluation results are to be submitted annually to the Chairmen of the House Education and Labor and Senate Labor and Human Resources Committees.

Conference agreement—The House recedes with an amendment to add the category of pregnant adolescents to the list of which the Secretary will note the impact of CSBG funds during their evaluations.

Discretionary authority

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment authorizes the Secretary to fund national conferences, newsletters, and the collection and dissemination of data about programs and projects funded under the Community Services Block Grant program as part of training activities authorized under the program. It also specifies that community development corporations, which are one of the special emphasis programs for which funding is authorized, are to be governed by a board consisting of residents of the community and business and civic leaders.

Conference agreement—The House recedes. The Conferees intend that funds available under this provision not be utilized for political activities including direct support of a national association.

Community economic development discretionary authority

House bill—The House bill provides that the Community Economic Development discretionary program be carried out in accordance with the Community Economic Development Act. The House bill references Section 616 and 617(a) paragraphs (1) through (4) to provide better direction regarding the goals and structure of this discretionary program.

Senate amendment—The Senate amendment specifies that Community Development Corporations, which are one of the special emphasis programs for which funding is authorized, are to be governed by a board consisting of residents of the community and business and civic leaders.

Conference agreement—The House recedes. The Conference notes that the continuing crisis in the farm economy has resulted in dislocation and high rates of unemployment in many rural states. Subject to the changes in the Community Economic Development section made in this Conference report, the Secretary is directed to ensure that CED funds are granted to rural states or rural areas within states. The Secretary is expected to encourage applications for discretionary funds which promote job creation and enterprise development in distressed rural communities and promote coordination with other state and federal efforts.

Rural development loan fund

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment clarifies that the loans to borrowers made after the date of enactment of the Food Security Act and prior to the date of enactment of the Human

Services Reauthorization Act of 1986 shall be transferred to and administered by the Secretary of Agriculture.

Conference agreement—The House recedes with an amendment. The amendment makes a number of technical corrections to complete the transfer of rural development loan functions accomplished in large part by enactment of P.L. 99-198, the Food Security Act of 1985. That Act transferred to the Secretary of Agriculture funds available in the Rural Development Loan Fund established under section 623(c)(1) of the Community Economic Development Act of 1981 (42 U.S.C. 9801 et seq.) The Conference agreement ensures that all intermediary borrowers will be treated equitably, that the weighted average passed on by intermediary borrowers shall be no more than six points. The Conferees recognize that the cost of interest, administration, bad debt and technical assistance far exceeds the rate of interest charged by the intermediary on some loans but it is intended that the interest spread on individual loans be kept as close to six points as possible. The Conferees intend that funds available for loan purposes, i.e. repayments into the Rural Development Loan Fund, will be distributed in accordance with the provisions of Section 405 of the Human Services Reauthorization Act Amendments of 1986. It is the intent of the Conferees that such distribution give high priority to rural areas in distress due to the farm crisis.

Rural community assistance programs

House bill—The House bill directs the Secretary to give priority to private nonprofit organizations that carried out such programs prior to the enactment of the Community Services Programs of 1986.

Senate amendment—The Senate amendment gives special priority to rural community assistance programs under the special emphasis program on rural housing and community facilities development.

Conference agreement—The Senate recedes with an amendment changing "such" to "community facility".

Poverty conference

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment directs the Secretary to appoint an advisory panel to develop and hold a national conference to exchange information on past approaches to the problems of poverty and to formulate plans for future methods of attacking the causes of poverty. The Secretary is directed to reserve $100,000 from administrative expenses to fund this conference. This section specifies the composition of the nine member panel and who is to designate each of its members.

Conference agreement—The Senate recedes.

Reports on Grants outside of competitive process

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment requires that the Chairmen of the House Education and Labor and Senate Labor and Human Resources Committees are to be provided annually with a

summary of final reports on projects assisted under the Secretary's discretionary authority and a list of grantees who have received funds under this authority outside of the competitive process. The Senate bill directs the Secretary to compile and make available a catalog listing information on the projects funded under the discretionary program.

Conference agreement—The House recedes.

COMMUNITY FOOD AND NUTRITION

House bill—The House bill continues authority for appropriations for Community Food and Nutrition programs at such sums as may be necessary for Fiscal Years 1987, 1988, 1989 and 1990.

Senate amendment—The Senate amendment extends the current authority for appropriations for the Community Food and Nutrition program at $2.5 million annually through 1990.

Conference Agreement—The Senate recedes with an amendment to specify that 60 percent of the funds appropriated shall be allocated as grants on the basis of poor and unemployed in each state and 40 percent of the grants shall be allocated on a competitive basis. In addition, the amendment authorizes the program at the following levels:

Fiscal year:	
1987	$3,000,000
1988	3,000,000
1989	3,000,000
1990	3,000,000

The Conferees are concerned about past delays in the promulgation of regulations and distribution of federal grants, therefore, the Conferees direct the Secretary of Health and Human Services to issue a Request for Proposals no later than 90 days after enactment of the Act, and to obligate any appropriation made available no later than sixty days thereafter. In awarding grants under this authority, the Conferees expect the Department of Health and Human Services to take into consideration both the needs of Native Americans, migrants, seasonal and displaced workers and the demonstrated ability of state and local public and private nonprofit agencies to successfully develop and implement programs and activities similar to that authorized by Section 681A. It is the intent of the Conferees that agencies receiving grants under this Section give high priority to outreach and public education programs designed to inform low-income individuals of criteria for participation in and the nutrition services afforded by the various federally-assisted nutrition programs.

COMMUNITY SERVICES BLOCK GRANT DEMONSTRATION PROGRAM

CSBG demonstration projects

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment authorizes a new program for the development and implementation of new and innovative approaches to deal with particularly critical needs or programs of the poor which are common to a number of communities. Grants are to be made only for the projects which: can be closely

coordinated with grantees' ongoing programs, involve significant new combinations of resources of new and innovative approaches involving partnership agreements, or will effectively promote the purposes of the Community Services Block Grant program. The Secretary is authorized to make grants to eligible entities to pay for no more than 50% of the costs of the program, with the non-Federal share to be in cash or in-kind. Not more than one grant may be made to a single entity, and no grant may exceed $250,000. Federal funds are to be for new programs; they may not substitute for programs previously carried out without Federal assistance; and other resources for the poor may not be diminished to provide the non-Federal match required for this program.

Conference agreement—The House recedes.

Authorization for community services block grant demonstration projects

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment authorizes $10,000,000 each for fiscal years 1987, 1988, and 1989

Conference agreement—The House recedes with an amendment to authorize grants for the Community Services Demonstration project at the following levels:

Fiscal year:	
1987	$5,000,000
1988	5,000,000
1989	5,000,000

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

LIHEAP authorizations

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment provides authorization for appropriations for the LIHEAP program at

Fiscal year	
1987	$2,163,000,000
1988	2,227,890,000
1989	2,294,726,000
1990	2,363,567,000

Conference agreement—The House recedes with an amendment to authorize the program at the following levels:

Fiscal year	
1987	$2,050,000,000
1988	2,132,000,000
1989	2,218,000,000
1990	2,307,000,000

The House recedes with a further amendment to require the Secretary to issue a yearly report on the manner in which certain requirements of the law are being carried out and the impact of each state's program on recipient and eligible households. It is the conferees intent that the new reporting requirements be included as a part of reports currently required under the statute, not a separate report. The amendment allows not more than $500,000 for technical assistance.

Energy crisis

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment specifies that community-based organizations can be designated to administer LIHEAP payments for energy crisis intervention.

Conference Agreement—The House recedes with an amendment which specifies three components the crisis intervention programs shall include so as to ensure timely responses to emergency situations and that the special needs of handicapped and elderly are met. Conferees intended that the term nonprofit includes private community based organizations such as agencies on aging or community action programs. In providing specific performance standards at the end of section 2604(c), the conferees do not intend to require that the states actually deliver a check to an applicant or fuel vendor within the deadlines for delivering assistance. It is the intent of conferees to ensure that individuals who are in life threatening situations receive care. Noncash assistance will satisfy these standards as long as the assistance is received by the client within the deadlines specified in the statute. Examples of energy-related crisis intervention include space heaters, blankets, alternative shelter, payments, flexible arrangements with utility providers, and resolution of the crisis through means which result in the immediate provision of essential energy. States will be considered in compliance with this provision as long as the crisis is averted by the deadline. It is the conferees intent that the provision suspending the energy crisis intervention sections only applies in situations where the ability of programs to provide services is directly affected.

Indian tribal allotment under LIHEAP

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment directs the Secretary to include Indian households residing within the State on the tribe's reservation or on trust lands adjacent to the reservation when calculating tribal allotments instead of only Indian households of the petitioning tribe. The section further provides authority to the Secretary to allocate a great amount of Federal LIHEAP funding for a tribal organization if the Indian tribe and the State both agree to such amount. In the case of tribes that do not have reservations, the Secretary shall define a population for the purposes of this paragraph in consultation with the tribe and the State.

Conference agreement—The House recedes.

Applications

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment expands the requirements for the annual application under Section 2605(c) to stress that the neediest households receive the maximum assistance under LIHEAP. This section also repeals the requirement

that States must describe the types of energy usage and the average costs of home energy by type of fuel for each region of the State.

Conference agreement—The House recedes with an amendment to Section 2605(b)(5) of such Act to give added emphasis to the fact that assistance should be directed to those most in need. The amendment would amend Section 2605(b) of LIHEAP in paragraph 5 by striking out "in a manner consistent with the efficient and timely payment of benefits" and insert "in a timely manner,". The amendment also reorganizes and revises the information which must be included in state plans.

State plans

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment reorganizes the requirements for the annual applications under Section 2605(b) of the Act and the State plan under Section 2605(c) of the Act.

Conference agreement—The House recedes with an amendment to include the Model Plan requirement. The amendment requires the Secretary to make available each year a model state plan format that may be used to prepare the next fiscal year's state plan. The Conferees want to clarify that the Model State plan format required under this section need not be redrafted each year.

Consistent treatment

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment clarifies that LIHEAP payments may not be considered as income in the determination of eligibility for Food Stamps. The section states that for the purposes of the Food Stamp Act the LIHEAP payments or allowances shall be deemed to be spent for heating or cooling expenses and no distinction shall be made regarding whether payments or allowances are provided directly to or indirectly for the benefit of any household. Amendments in this section are to become effective on date of enactment or October 1, 1986, whichever is later.

Conference agreement—The House recedes with a technical amendment.

Effective date

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment provides for an effective date of October 1, 1986 or the date of enactment of the Act whichever is later.

Conference agreement—The House recedes with an amendment to provide for an effective date of October 1, 1986 or the date of enactment of the Act whichever is later. The amendment specifies that the amendments made by subsections (a), (b) and (c) of Section 504 shall not apply with respect to any fiscal year beginning in or before the 60 day period ending on the effective date of this Act. The amendment specifies that the amendments made by Section

502 shall take effect on December 1, 1986 or 60 days after the date of the enactment of this Act, whichever occurs later.

CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIP

Child development associate scholarship

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment authorizes the Secretary of Health and Human Services to award Child Development Associate Scholarship grants to any State receiving federal funds under the Social Services Block Grant. The grants may be used by the States to award scholarships to individuals who are eligible candidates for the Child Development Associate credentials. The Senate bill specifies assurances that the State must make on grant applications. These assurances include that the scholarship be awarded only to eligible individuals on the basis of financial need; in an amount sufficient to cover the costs of application, assessment and credentialing and that no more than 10% of the grant will be used on administrative costs. The Senate bill defines eligible individuals as those whose income does not exceed 150% of poverty. The Senate bill requires each State receiving a grant to submit an annual report on the number of eligible individuals assisted under this Act and their position and salaries before and after receiving the CDA credential.

Conference agreement—The House recedes with an amendment to delete the phrase "the various regions of the nation" from Section 503(c)(1). It is the intent of the Conferees that scholarship assistance for the CDA credential made available with funds under this title shall be made equally available for individuals working in family day care homes and child care centers as for those working in Head Start programs. In making grants under this section, the Secretary shall redistribute equitably any funds left over in the event that any state fails to apply. Further, the Conferees direct the Secretary of Health and Human Services to distribute any appropriated funds in a prompt manner and that regulations be promulgated within ninety days of enactment of these provisions.

CDA authorization

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment authorizes appropriations at the following levels:

Fiscal year:	
1987	$1,500,000
1988	1,500,000
1989	1,500,000
1990	1,500,000

Conference agreement—The House recedes. The conferees direct the Secretary of Health and Human Services to distribute any appropriated funds for this program in a prompt manner.

EXCELLENCE IN EDUCATION

Excellence in education

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment contains a provision which clarifies a clause in the Excellence in Education Act that authorizes funding for grants which are secured by private-sector funds. The Senate bill will limit the use of the set-aside until such time as appropriations reach at least $15 million.

Conference agreement—The House recedes.

BAT BOYS

Bat boys

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment amends the Fair Labor Standards Act to permit an exemption for children ages 14 and 15 to work up to 11:00 pm when school is in session two nights a week as bat boys and bat girls for league baseball games.

Conference agreement—The Senate recedes. The Conference agreement directs the Secretary of Labor to issue a report regarding whether a change in permissible hours of employment for bat boys and girls would be detrimental to their well being and whether or not such a change should be proposed. The report is required to be submitted to the Chairmen of the House Committee on Education and Labor and the Senate Committee on Labor and Human Resources within six months of date of enactment.

PRIMATE RESEARCH

Primate research

House bill—The House bill has no comparable provision.

Senate amendment—The Senate amendment designates the Laboratory for Experimental Medicine and Surgery for Primates (LEMSIP) which is located in Sterling Forest, New York as a regional primate center, thus making it eligible to compete for NIH grants.

Conference agreement—The Senate recedes.

READING INSTRUCTION

Reading instruction

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment requires the Department of Education to compile a complete list, by name, of beginning reading programs, indicating whether they do or do not present well-designed phonics instruction as recommended by "Becoming a Nation of Readers".

Conference agreement—The House recedes with an amendment to require the Secretary of Education to conduct a study in order to compile a complete list by name of beginning reading instruction programs and methods, including phonics. This listing shall indicate the average cost per pupil of such programs and methods and whether they do or do not present well-designed instruction as recommended in the report of the Commission on Reading.

CHILDREN'S JUSTICE ACT

Children's Justice Act

House bill—The House bill does not have a comparable provision.

Senate amendment—The Senate amendment amends the Child Abuse Prevention and Treatment Act to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of child abuse cases.

Conference agreement—The Senate recedes.

For consideration of the bill and all provisions (except title X) of the Senate amendment and modifications:

AUGUSTUS F. HAWKINS,
DALE E. KILDEE,
AUSTIN J. MURPHY,
MAJOR R. OWENS,
CARL C. PERKINS,
TERRY L. BRUCE,
DENNIS E. ECKART,
JIM J. JEFFORDS.

From the Committee on Energy and Commerce, for consideration of title III of the Senate amendment and modifications:

JOHN D. DINGELL,
ED MARKEY,
PHIL SHARP.

From the Committee on Education and Labor, for consideration of title X of the Senate amendment and modifications:

AUGUSTUS F. HAWKINS,
MARIO BIAGGI,
PAT WILLIAMS,
CHARLES A. HAYES,
DENNIS E. ECKART,
MATTHEW G. MARTINEZ,
JIM JEFFORDS,
BILL GOODLING,
TOM COLEMAN,
STEVE BARTLETT.

From the Committee on the Judiciary:

PETER W. RODINO,
DON EDWARDS,
JOHN CONYERS,
HAMILTON FISH,
F. JAMES SENSENBRENNER, Jr.

From the Committee on Energy, for consideration of section 1006 of the Senate amendment and modifications:

JOHN D. DINGELL,
HENRY A. WAXMAN,

Managers on the Part of the House.

ORRIN G. HATCH,
PAULA HAWKINS,
DAN QUAYLE,
ROBERT STAFFORD,

EDWARD M. KENNEDY,
CHRISTOPHER DODD,
JOHN F. KERRY,
Managers on the Part of the Senate.

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99TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPT. 99-843
Part 1

THE AMERICAN BOXING CORPORATION

SEPTEMBER 19, 1986.—Ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor, submitted the following

REPORT

together with

DISSENTING VIEWS

[To accompany H.R. 1689]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 1689) to establish an American Boxing Corporation, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CORPORATION CREATED.

For the purposes of efficient oversight of professional boxing and the establishment of minimum health and safety standards for boxing, there is hereby created a nonprofit body corporate by the name of "American Boxing Corporation" (hereinafter referred to as the "corporation").

SEC. 2. DIRECTORS OF CORPORATION.

(a) COMPOSITION.—The board of directors (hereinafter referred to as the "board") of the corporation shall be composed of six members, who shall be appointed by the President by and with the advice and consent of the Senate. The President shall designate one member of the board to serve as Chairperson.

(b) TERM.—The term of office for each member of the board shall be six years, except that, of the members first appointed, two shall be appointed for a term of two years and two for a term of four years. A member appointed to fill a vacancy shall be appointed for the unexpired portion of such term. A member of the board may continue to serve after the expiration of the term until a successor has been appointed.

(c) QUALIFICATIONS OF MEMBERS.—Each member of the board of directors—

(1) shall be a citizen of the United States;

(2) shall not, during service as a director of the corporation, be engaged as a professionai boxer; as a boxing promoter, agent, fight manager, matchmaker,

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referee, or judge; or in any other capacity in the conduct of the business of professional boxing; and

(3) shall not have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match.

(d) BACKGROUND OF MEMBERS.—Not fewer than three members of the board, prior to the appointment to the board, shall have been engaged as professional boxers, boxing promoters, agents, fight managers, matchmakers, referees, judges, or in any other capacity in the conduct of the business of professional boxing. Other members of the board shall be individuals who, by reason of business, professional, or other background, training, experience, or activities outside the business of professional boxing and its related activities, have a broad understanding of the relationship between professional boxing and the public interest, both as a sport and a business.

(e) GENERAL RESPONSIBILITIES OF BOARD.—The board shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation.

SEC. 3. COMPLETION OF ORGANIZATION OF CORPORATION.

A majority of the persons first appointed as members of the board of directors is authorized to complete the organization of the corporation by the adoption of a constitution and bylaws, by the selection of officers and employees, and by doing such other acts, not inconsistent with this Act, as may be necessary for such purpose.

SEC. 4. OBJECTS AND PURPOSES.

The objects and purposes of the corporation shall be—

(1) to establish model State boxing commission standards and provide financial and technical assistance to States to help them comply with the standards; and

(2) to sanction boxing matches in States that are implementing the model State boxing commission standards.

SEC. 5. GRANTS TO STATES TO IMPLEMENT MODEL STATE BOXING COMMISSION STANDARDS.

(a) GRANTS AND TECHNICAL ASSISTANCE.—Subject to the provisions of this section, the corporation shall make grants, provide technical assistance, or both, to those States which adopt and implement a plan—

(1) to establish a State boxing commission which meets the model State boxing commission standards under subsection (c); and

(2) to comply with such other requirements as the corporation considers necessary or appropriate for a State boxing commission.

(b) APPLICATION.—Each State that desires to receive a grant or technical assistance, or both, under this section shall apply to the corporation. The corporation shall approve an application if it contains the information and assurances that the corporation considers necessary to demonstrate that the State has an effective plan for meeting the requirements under subsection (a).

(c) MODEL STATE BOXING COMMISSION STANDARDS.—For purposes of establishing criteria for States to meet in order to receive assistance under this section and to encourage the nationwide implementation of uniform boxing regulation at the State level, the corporation shall develop model State boxing commission standards. In developing the standards, the corporation shall establish requirements that the corporation considers necessary or appropriate for a State boxing commission, including—

(1) a requirement that the commission establish State fair labor standards that are the same as, or more stringent than, the standards prescribed by the corporation in section 7(a);

(2) a requirement that the commission set up a system for State registration of boxers and boxing matches that contains standards that are the same as, or more stringent than, the standards for such registration prescribed by the corporation in section 7(b); and

(3) a requirement that the commission set up standards that are the same as, or more stringent than, the standards prescribed by the corporation in section 7(c) for the making of contracts, agreements, arrangements, and understandings pertaining to the conduct or promotion of any boxing match or any matter related to such boxing match.

SEC. 6. CORPORATION SANCTION.

(a) AWARD OF CORPORATE SANCTION.—The corporation may sanction any boxing match held in a State whose boxing commission meets the model State boxing commission standards if such boxing match meets the standards and other requirements prescribed by the State boxing commission. The corporation shall prescribe rules for the administration of the corporate sanction system.

(b) WITHDRAWAL OF CORPORATE SANCTION.—The corporation shall withdraw its sanction of any proposed boxing match if it finds such withdrawal is in the public interest and that—

(1) there exist reasonable grounds for belief that such match will be in any way affected by violations of fair labor standards prescribed by the corporation under section 7(a), bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, intimidation, or violence;

(2) such match, or any boxer in such match, is not registered in the State in accordance with the standards prescribed by the corporation under section 7(b); or

(3) any contract, arrangement, or agreement with respect to such match does not conform to the requirements of the corporation under section 7(c).

(c) APPLICABILITY OF SANCTION.—This section shall apply to boxing matches located in States which are implementing or have implemented the model State boxing commission standards of this Act and that voluntarily seek the sanction of the corporation.

SEC. 7. CORPORATION STANDARDS.

(a) FAIR LABOR STANDARDS.—The corporation shall prescribe fair labor standards for professional boxing that the corporation determines are in the best interests of the public and the best interests of professional boxing, including—

(1) minimum rates of compensation and other consideration, including all types of insurance;

(2) minimum environmental standards to be met at the sites of registered boxing matches;

(3) minimum standards for availability of medical services and facilities; and

(4) minimum standards for equipment and facilities necessary to reasonably ensure the physical safety of professional boxers participating in registered boxing matches;

(b) STATE REGISTRATION STANDARDS.—The corporation shall prescribe standards for a system of State registration of professional boxers and boxing matches, including requirements—

(1) that the State compile and maintain (A) a list of professional boxers, including such information as the corporation considers appropriate about such boxers, and (B) a rating of such boxers according to each such boxer's relative boxing abilities; and

(2) that the State set forth in writing the specific requirements that boxers and boxing matches must meet in order to be registered by the State.

(c) BOXING MATCH STANDARDS.—The corporation shall prescribe standards for the making of contracts, agreements, arrangements, and understandings pertaining to the conduct or promotion of any boxing match or any matter related to such boxing match.

(d) ANNUAL REPORT ON STATE PROGRESS.—The corporation each year shall publish and make available to Congress and the public an analysis of the status of boxing in each of the 50 States. The analysis shall—

(1) describe the State boxing commission, if any, in each State;

(2) describe the degree to which each State is implementing the provisions of the model State boxing commission under section 5; and

(3) rank the 50 States according to how well the State meets the fair labor standards prescribed by the corporation under this section.

(e) THREE-YEAR REPORT ON STATE PARTICIPATION.—The corporation shall submit a report to Congress three years after the corporation begins operation. The report shall describe in detail the degree of participation by the States in implementing the model State boxing commission standards and the prospects for the success of voluntary State participation. The report also shall include a timetable for State implementation of voluntary participation and any recommendations the corporation has for increasing the cooperation of States.

(f) NONINTERFERENCE AND COOPERATION WITH STATE BOXING AUTHORITIES.—Nothing in this Act shall prohibit any board, commission, or other agency, created by or pursuant to the law of any State or political subdivision of any State, from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or boxing matches, except to the extent inconsistent with the provisions of this Act. In carrying out the corporation's duties under this Act, the corporation shall consult and cooperate with any such board, commission, or other agency.

SEC. 8. NATIONAL REGISTRY.

The corporation shall compile and maintain a national registry of professional boxers in conjunction with the system of State registries under section 7(b).

SEC. 9. CORPORATE POWERS.

(a) IN GENERAL.—The corporation shall have power to—

(1) sue and be sued;

(2) make contracts;

(3) acquire, hold, and dispose of real and personal property as may be necessary for its corporate purposes;

(4) accept gifts, legacies, and devises in furtherance of its corporate purposes;

(5) adopt, alter, and use a corporate seal;

(6) adopt, alter, use, and display such emblems, seals, and badges as it deems appropriate;

(7) establish and maintain offices for the conduct of the affairs of the corporation;

(8) publish a newspaper, magazine, or other publication consistent with its corporate purposes;

(9) borrow money to carry out its corporate purposes and issue notes, bonds, or other evidences of indebtedness therefor, and secure the same by mortgage, subject in each case to the laws of the United States or of any State;

(10) provide financial and technical assistance, as described in section 5, to States in furtherance of the purposes of the corporation;

(11) conduct campaigns for raising funds and accept contributions from individuals, corporations, and other bodies, foundations, and organizations;

(12) approve and revoke membership in the corporation;

(13) choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may require, except that any personnel appointed by the corporation shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(14) adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or of any State;

(15) do any and all lawful acts and things necessary and proper to carry out the purposes of the corporation.

(b) FEES AND EXPENDITURES.—(1) The corporation may fix and collect a fee for the registration of boxing matches and boxers in States which are implementing or have implemented the model State boxing commission standards under this Act.

(2) The corporation is authorized to make such expenditures and contracts as may be necessary to carry out this Act.

(3) Any revenues of the corporation which exceed expenditures for other authorized purposes under this Act shall be used for the purposes of grants under section 5.

SEC. 10. CONSULTATION WITH INTERNATIONAL BOXING ASSOCIATIONS.

As the board considers appropriate, the corporation may consult with international boxing associations, commissions, organizations, and groups with respect to the international regulation of professional boxing.

SEC. 11. MEMBERSHIP; VOTING RIGHTS.

(a) MEMBERSHIP.—Eligibility for membership in the corporation shall be determined in accordance with the constitution and bylaws of the corporation.

(b) VOTING RIGHTS.—Each member of the corporation shall have the right to one vote on each matter submitted to a vote at all meetings of the members of the corporation.

SEC. 12. PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; AGENT TO ACCEPT SERVICE OF PROCESS.

(a) PRINCIPAL OFFICE.—The principal office of the corporation shall be located in a place to be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States.

(b) AGENT.—The corporation shall maintain at all times at its principal office a designated agent authorized to accept service of process for the corporation. Notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

SEC. 13. OFFICERS; ELECTION.

The officers of the corporation shall consist of a chairperson of the board of directors, a president, a vice president, a secretary-treasurer, and such assistant officers as the board of directors may designate. The officers shall be selected in such manner, for such terms, and with such duties as may be prescribed in the constitution and bylaws of the corporation.

SEC. 14. DISTRIBUTION OF ASSETS TO MEMBERS; LOANS.

(a) IN GENERAL.—No part of the income or assets of the corporation shall inure to the benefit of any member, officer, or director, or be distributed to any such person during the life of the corporation or upon dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation in amounts approved by the board of directors of the corporation.

(b) LOANS.—The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of a loan to an officer, director, or employee of the corporation, and any officer who participates in the making of such loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment of such loan.

SEC. 15. NONPOLITICAL NATURE OF CORPORATION.

The corporation shall be nonpolitical and, as an organization, shall not promote the candidacy of any person seeking public office.

SEC. 16. LIABILITY FOR ACTS OF OFFICERS AND AGENTS.

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 17. BOOKS AND RECORDS; INSPECTION.

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors. It also shall keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

SEC. 18. USE OF ASSETS ON DISSOLUTION OR LIQUIDATION.

Upon final dissolution or liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

SEC. 19. EXCLUSIVE RIGHT TO NAME, SEALS, EMBLEMS, AND BADGES.

The corporation shall have the sole and exclusive right to use the name of American Boxing Corporation as representing such corporation and such seals, emblems, and badges as the corporation may adopt.

SEC. 20. ANNUAL REPORT.

The corporation shall, on or before the first day of June of each year, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding calendar year, including a full and complete statement of its receipts and expenditures and a comprehensive description of the activities and accomplishments of the corporation during the preceding year. Copies of the report shall be made available by the corporation to interested persons at a reasonable cost.

SEC. 21. AUDITS OF ACCOUNTS.

The provisions of sections 1102 and 1103 of title 36, United States Code, shall apply to the corporation.

SEC. 22. RESERVATION OF RIGHT TO AMEND OR REPEAL ACT.

The right to alter, amend, or repeal this Act at any time is hereby expressly reserved.

SEC. 23. DEFINITIONS.

For purposes of this Act—

(1) The term "boxing match" means a professional boxing match, or any part of such match, which is held within any State.

(2) The term "State" includes the District of Columbia, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.

COMMITTEE CONSIDERATION

H.R. 1689, a bill to create an American Boxing Corporation was introduced on March 2, 1985, by Representative Pat Williams and is cosponsored by Representatives Bill Richardson, Dennis E. Eckart, Byron L. Dorgan, Mickey Leland, Major R. Owens, Gus Yatron, Tony P. Hall, Matthew G. Martinez, Marge Roukema, Thomas F. Hartnett, Butler Derrick, Robin Tallon, Carroll A. Campbell, Jr., John M. Spratt, Jr., and Floyd Spence. The bill was referred jointly to the Committees on Education and Labor and Energy and Commerce.

On June 25, 1986, the Committee on Education and Labor discharged the Subcommittee on Labor Standards from consideration of the bill H.R. 1689. The full Committee then ordered the bill reported, as amended, by voice vote.

PURPOSE AND SUMMARY

The purpose of the legislation reported by this Committee is to establish a quasi-public American Boxing Corporation for the purpose of assisting state and local authorities in improving the regulation of professional boxing. The corporation would describe model minimum health and safety standards and a model registration system for professonal boxing and provide resources needed for states which agree to adopt and enforce the standards. The corporation also would publish annually an analysis of the status of boxing in each of the 50 states, including a ranking of how well the states are meeting the model standards. The corporation would raise its own revenues and be governed by a six-member board of directors, appointed by the President with the consent of the Senate.

HEARINGS

The Committee's Subcommittee on Labor Standards conducted two hearings on the need for reform in the sport of professional boxing. On May 30, 1985, the Subcommittee heard from Mr. Bernie Manhoff, President of the National Veteran Boxers Association; Mr. Sig Rogich, Chairman, Navada State Athletic Commission; the Honorable Harry Reid, a Representative in Congress from the State of Nevada; Mr. Bela Szilagyi, Associate Editor, "Ring Record Book"; Mr. Jose Torres, Chairman, New York State Athletic Commission; Mr. Pappy Gault, former boxer, boxing coach for 1968 U.S. Olympic team.

On September 20, 1985, the Subcommittee heard from Mr. Ken Norton, former heavyweight champion; Mr. John Holladay, Deputy Boxing Commissioner, State of South Carolina; Col. Harvey Schiller, Professor, U.S. Air Force Academy, and Member, Board of Directors, U.S. Ameteur Boxing Federation; Mr. Donald J. Romeo, M.D., Chief Medical Examiner, Nevada State Athletic Commission; the Honorable Joseph B. Montoya, Chairman, Senate Select Committee on Licensed and Designated Sports, California State Assem-

bly; Mr. Sig Rogich, commissioner, Nevada State Athletic Commission; Mr. Jimmy Montoya, professional boxing manager; Mr. Patrick Melendy, professional boxing manager.

BACKGROUND AND NEED FOR LEGISLATION

Boxing is one of the world's most ancient and dramatic sports, with origins that trace to the Olympic Games of Greece. Its most recent history as a professional sport in the United States has been marked by considerable debate. Injuries and several widely publicized ring deaths, combined with the seeming inability of either state and local authorities or the numerous boxing federations to govern the sport uniformly and effectively nationwide, have prompted renewed calls for strong federal regulation. From other quarters, especially parts of the medical community, calls have intensified for a prohibition of the sport.

For more than 25 years, the Congress has been interested in ways to upgrade work conditions for professional boxers. The reported bill marks the second time the Committee, acting within its jurisdiction over labor and health standards, has taken action on professional boxing legislation. In 1983, the Committee reported a bill to create a Federal Boxing Commission to prescribe and enforce fair labor standards for the conduct of the sport. However, amid an atmosphere disinclined toward new federal regulations and opposition by some within the boxing community due to its mandatory controls, the bill did not reach the floor of the House.

This Committee, in reporting this legislation to establish a federally chartered American Boxing Corporation, has taken a distinctly new approach toward ensuring fair work conditions and a safer workplace for those who labor for their livelihoods, and too often for their lives, in the professional prizefight ring. Unlike prior proposals, the bill imposes no federal regulation upon state and local boxing authorities. Just the opposite, the bill seeks to strengthen the hand of state and local regulators in controlling the sport. The legislation employs significant incentives and resources, rather than federal regulation, for state and local governments to address the longstanding lack of a national boxing registry and of uniform, minimum state boxing standards. The absence of a universally accepted registry and uniform state standards has hindered, perhaps more seriously than any other factor, the improvement of fair labor conditions for the sport.

At present, 42 states and the District of Columbia regulate or license aspects of boxing. Municipal governments in three other states regulate boxing within their jurisdiction: Kansas, Nebraska, and North Carolina. (In Oregon, the City of Portland is the only municipality which regulates the sport.) In the states of Colorado, Oklahoma, South Dakota, and Wyoming, professional fights have no regulation.

Considerable progress during the past 25 years toward improving standards for boxing can be credited to state regulatory efforts. Several states in particular enforce standards of noteworthy effectiveness within their jurisdictions. Unfortunately, the best efforts by some states to regulate the sport too often are hamstrung by the virtual patchquilt of regulation in other jurisdictions. While profes-

sional boxers routinely travel from state to state, standards—where they in fact exist—for training, equipment, compensation and medical treatment vary widely and sometimes dramatically from jurisdiction to jurisdiction. Just as diverse are the staff sizes and operating budgets of state athletic boards and commissions, with effective regulation often limited by minimal financing from state governments that already are fiscally pressed in the current period of austerity.

Enactment of the bill as reported by this Committee will greatly accelerate progress toward uniform, national minimum fair labor and safety standards by providing the states with the resources and technical expertise needed for effective regulation.

Under the legislation, the American Boxing Corporation would be required to establish model minimum fair labor standards for state boxing commissions and provide financial and technical assistance to states which adopt and implement the standards. Those standards would address rates of compensation and insurance, medical services, state registration systems, and equipment and facilities necessary to reasonably ensure the physical safety of professional boxers participating in registered matches. States which adopt and adhere to the model standards would receive, in addition to financial and technical resources, the official sanction of the American Boxing Corporation for matches within their jurisdiction.

While local or state boxing authorities are not required by the legislation reported by the Committee on Education and Labor to adopt the model standards, it is the Committee's view that the financial assistance and sanction of the American Boxing Corporation will be an attractive and persuasive incentive for states to embrace and enforce the standards.

The American Boxing Corporation also is required to compile and maintain a national registry of professional boxers. The Committee believes that this registry, combined with the corporation's model standards for state boxer registration systems, is of critical importance for improving work conditions for professional boxers.

Some committed boxing enthusiasts, several independent professional recordkeepers, and national and international boxing organizations maintain fight lists and statistics and most states also employ registries within their jurisdiction to track the activities of many boxers. However, professional boxing historically has lacked a constantly updated, universally accepted and applied national system for identifying those who labor in the professional ring, their physical attributes and the status of their health, and their record of knockouts, technical knockouts (TKOs), wins, losses, injuries, and state suspensions. Lacking authoritative records, compilers of the federal government's Statistical Abstract in 1982 abandoned prior efforts at estimating how many professional fighters are engaged in the sport in America.

The absence of such a comprehensive registry continues to pose a threat not only to the boxer's safety but also to effective regulation of the sport by state authorities. Boxers with win-loss records heavily weighted with defeats and knockouts and others who have been suspended in some jurisdictions nevertheless continue to fight in professional matches. Mr. Ralph Citro of Blackwood, New Jersey (an independent recordkeeper whose data base of boxing informa-

tion is relied upon by numerous state athletic commissions) documented approximately 200 boxers who, in the spring of 1986, were still fighting in some states despite extremely poor win-loss records and suspensions in other states.

One of the more telling recent instances of the lack of a reliable national registry occurred in July of 1985 in Norfolk, Virginia. In that city, an escaped Colorado felon was apprehended after fighting a nationally televised bout. The fugitive had fought 15 professional bouts before law enforcement authorities recognized three tattoos when he shed his robe for the Virginia match.

At present, many of the state commissions which attempt to track boxers and their records are often hampered by lack of staff and resources and the limited exchange of up-to-date information among state regulatory bodies. The numerous and varied systems employed by states which do maintain registries also reduces the effectiveness of interstate regulation of boxing.

The Committee expects that, as financial and technical assistance is made available by the American Boxing Corporation, states will be capable not only of adopting the model registration system that the corporation is to prescribe but also of effectively administering the system. Further, the Committee views the national registry, to be operated by the corporation, as a vital information clearinghouse in assisting the states in their registration efforts.

COMMITTEE OVERSIGHT FINDINGS

The material in this report, under the headings of "Hearings" and "Background and Need for Legislation", refer to the hearings, witnesses, and testimony. These hearings, conducted in the exercise of this Committee's legislative and oversight responsibilities, provided ample justification for this Committee to recommend passage of this legislation.

COMMITTEE ON GOVERNMENT OPERATIONS

No oversight findings have been presented to the Committee on the subject of this legislation by the Committee on Government Operations.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The cost estimate of the Congressional Budget Office is set forth as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C, September 11, 1986.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1689, a bill to create an American Boxing Corporation, as ordered reported by the House Committee on Education and Labor, June 25, 1986.

H.R. 1689 would create a government-sponsored nonprofit corporation that would establish model state boxing commission stand-

ards and provide financial and technical assistance to states to help them comply with these standards, sanction professional boxing matches in states implementing the standards, and maintain a national registry of professional boxers. The corporation would be required to submit annual reports to the President and the Congress, as well as a report to the Congress on state participation three years after beginning operation. Its personnel would be governed by civil service policies, and its activities would be subject to audits by private accountants.

We estimate that there would be no significant impact on the federal budget if this bill were enacted, because the corporation would have to raise the necessary funds to finance its operations. The corporation would raise revenues from sources such as private sponsors, sale of its logo, promotion of events, and fees for the registration of boxing matches and boxers in states implementing the model state boxing commission standards. Any revenues of the corporation that exceed operating expenses would be used for grants to states.

The bill would not require any actions on the part of state or local governments, but would provide incentives for state or local boxing authorities to implement the model standards. Thus, no costs would be imposed on state and local governments as a result of enactment of this bill.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

COMMITTEE COST ESTIMATE

The Committee concurs with the estimate prepared by the Congressional Budget Office.

INFLATIONARY IMPACT STATEMENT

The Committee estimates that the enactment of H.R. 1689 will have no significant inflationary impact on prices and costs in the operation of the national economy.

SECTION-BY-SECTION ANALYSIS OF BILL AS REPORTED BY THE COMMITTEE ON EDUCATION AND LABOR

Section 1.—This section authorizes the creation of a nonprofit American Boxing Corporation for the purpose of establishing minimum health and safety standards for professional boxing.

Section 2.—This section establishes the board of directors for the Corporation. The board shall be composed of six members, appointed to six-year terms by the President with advice and consent of the Senate. Board members must be United States citizens and shall not be active in any capacity in professional boxing while serving on the board. Members shall not have any financial interest in boxing while serving on the board. At least three board members must have prior experience as an active member of the sport of professional boxing.

Section 3.—This section organizes the Corporation. The board of directors shall adopt a constitution and bylaws and select employees for the Corporation.

Section 4.—This section provides the objectives and purposes of the Corporation. The Corporation shall establish model state boxing commission standards and provide financial and technical assistance to help states comply with the standards. The Corporation shall also sanction boxing matches in states that implement the model standards.

Section 5.—This section provides for grants to state boxing commissions. States may apply for grants and technical aid from the Corporation. The Corporation shall provide grants and aid to states which adopt the model standards and other requirements.

Section 6.—This section provides for the Corporation sanction. The Corporation may sanction matches in states which meet model standards. The sanction shall be withdrawn if reasonable grounds exist that the match violates the standards or boxers in the match are not registered in the state.

Section 7.—This section provides for the corporate standards. The Corporation shall prescribe minimum fair labor standards for compensation, insurance, environmental conditions at sites of registered matches, medical services and facilities, and equipment. The Corporation also shall prescribe standards for a system of state registration of boxers and for contracts and agreements on the promotion and conduct of matches. The Corporation also shall publish a yearly report on the status of boxing in each of the 50 states and the progress toward adoption of the model standards. The Corporation also shall, after three years of operation, submit a report to the Congress that describes in detail the participation of the states in implementing the standards and the prospects for success of voluntary state participation. This section also provides that nothing in this Act shall prohibit any state board, commission or agency from exercising its duties in regulating professional boxing.

Section 8—This section provides for a national registry of professional boxers to be compiled in conjunction with the system of state registries.

Section 9—This section provides for the corporate powers, including the right to sue and be sued, make contracts, choose officers and employees, accept contributions, raise money, adopt and use and corporate seal, emblems and badges, and publish a newspaper or magazine.

Section 10—This section provides for consultation, where appropriate, with international boxing groups with regard to international regulation of boxing.

Section 11—This section provides for membership and voting rights, with each member having the right to one vote on each matter submitted to a vote at all meetings of members of the corporation.

Section 12—This section provides that the board of directors shall determine an office location and maintain an agent at the office to carry out corporate business.

Section 13—This section provides that corporate officers shall consist of board chairman, president, vice-president and secretary-

treasurer and that their selection, terms and duties shall be prescribed by the corporation's bylaws and constitution.

Section 14—This section provides that the distribution of assets or income of the corporation to any member, officer or director shall be prohibited during the life of the corporation or upon its dissolution. The corporation also shall be prohibited from making loans to any officer, director or employee.

Section 15—This section provides that the nature of the corporation shall be nonpolitical and, as an organization, the corporation shall not promote the candidacy of any person seeking public office.

Section 16—This section provides that the corporation shall be liable for acts of its officers and agents when acting within their authority.

Section 17—This section provides that the books and records of the corporation shall be kept complete, correct and open to review by any member.

Section 18—This section provides that the board of directors, upon dissolution of the corporation, shall determine asset distribution in compliance with the bylaws and constitution.

Section 19—This section provides that the American Boxing Corporation has the sole and exclusive right to use its name, seals, emblems and badges.

Section 20—This section provides that the corporation shall transmit on the first day of June each year a complete report of expenditures, receipts and activities to the President and each house of the Congress.

Section 21—This section provides that audits of accounts shall follow standard procedures of the United States Code.

Section 22—This section expressly reserves the right to alter, amend or repeal this Act to the Congress.

Section 23—This section provides that the definition of "boxing match" means a professional match in any state and that "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, Virgin Islands, Commonwealth of Northern Mariana Islands, American Samoa, and any other U.S. territory.

DISSENTING VIEWS ON H.R. 1689

Like any good champion, this Committee seems willing to take on all comers, including professional sports. Although it might seem that sports should be left free from politics, this Committee has not seen fit to do so.

In the 98th Congress, the House considered and rejected, by a two-to-one margin, this bill's predecessor legislation, H.R. 2498. While the sponsor of H.R. 1689 has cured some of that bill's defects, the legislation endorsed by the Committee remains an unnecessary extension of federal authority.

Is there a clamor for federal intrusion in this area? Hardly. In fact, there is substantial opposition to this legislation from people within the sport of boxing who know it far better than we.

Boxing should be left to police itself, just as all other sports do. If it is in need of reform, why does it need Congress to show the way? Fighters and fans know the sport and the risks it entails. If either do not like the current state of affairs, they can act to change it. Congress should not.

For if we can impose such a decision on boxing, why not other sports? Why shouldn't every state have a major league baseball team, and why shouldn't Hulk Hogan shave? The possibilities are endless.

TOM PETRI.
DICK ARMEY.

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